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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/368,996	08/05/1999	TIMOTHY P. BARBER	2-604.2-1	6192

4955 7590 02/11/2003

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EXAMINER

WASYLCHAK, STEVEN R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

09/368,996

Applicant(s)

BARBER, TIMOTHY P.

Examiner

Steven R. Wasylchak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egendorf (US 5,794,221) and in view of Usui (US 5,956,697)

Claim 1 amended,

A method of billing, by a third party, for access by a consumer to information made available by a vendor over a computer network, with the billing based on how long the consumer elects to access the information, the method comprising the steps of:

- a) when a consumer visits a vendor network address and decides to purchase access to information from the vendor, having the consumer exercise a link that will connect the consumer to the third party; / col 2, L 11-15 where the third party is a provider
- b) having the third party initiate billing and connect the consumer to a location of the vendor where the information resides; / col 2, L 11-15; col 3, L 18-28 where the third party is a provider
- c) making available a means by which the third party is made aware of when the consumer finishes accessing the information. / Egendorf does not teach timing aspects.

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However, Usui discloses consumer access time (abstract; col 1, L 49-58; col 2, L 1-9)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of billing for services rendered in the form of access time.

d) when a consumer visits a vendor network address and decides to purchase access to information from the vendor, having the consumer exercise a link that will connect the consumer to the third party;/ abstract; fig 1

e) having the third party initiate billing and connect the consumer to a location of the vendor where the information resides, wherein, initiating billing of the consumer, the third party begins timing access by the consumer to the information made available by the vendor; and/ Egendorf does not teach timing aspects.

However, Usui discloses consumer access time (abstract; col 1, L 49-58; col 2, L 1-9)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of billing for services rendered in the form of access time.

f) making available a means by which the third party is made aware of when the consumer finished accessing the information./ abstract; fig 1, 2(15)

Claim 2 amended,

A method of billing a consumer for access for a limited time to information made available by a vendor, the access provided over a computer network, the method requiring participation by a third party to mediate between the consumer and the vendor, the method comprising the steps of:

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a) having the vendor establish an account with the third party and provide to the third party a session connect address that is an address on the computer network of the information made available by the vendor; / abstract; col 2, L 9-15; col 4, L 11-18

b) having the third party provide the vendor with a start session address that is an address on the computer network of the third party to which the vendor is to direct a consumer to start timing access by the consumer to the information made available by the vendor; / Egendorf does not teach consumer start timing of data made by the vendor. However, Usui discloses this aspect (col 2, L 5-9, L 44-51).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of keeping track of the billing period.

c) having the vendor make available over the computer network a pricetag link that will connect a prospective consumer with the third party, / Egendorf does not teach pricetag links. However, Usui discloses links (claim 1). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of metering access for billing purposes.

d) if the consumer exercises the pricetag link, having the third party return to the consumer a pricetag page that includes a price-per-unit time for access to the information made available for access by the vendor, a maximum duration of access for which the consumer is authorized, and a link to a start session address, which is an address of the third party; / Egendorf does not teach pricetag page.

However, Usui discloses links (claim 1, abstract). It would have been obvious to one of

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ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of metering access for billing purposes.

e) if the consumer exercises the link to the start session address, having the third party return to the consumer an end session link, which the consumer can use to terminate the purchase of access to information from the vendor earlier than waiting for the maximum duration of access to expire, and an authentication code; / Egendorf fails to teach these time parameters. However, Usui discloses the end session (col 2, L 5-9). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of billing for services rendered.

f) also if the consumer exercises the link to the start session address, having the third party provide to the vendor the consumer authentication code and the consumer address, and begin billing the consumer beginning when the consumer exercised the start session link; / Egendorf fails to teach these time parameters. However, Usui discloses the end session (col 2, L 5-9). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of billing for services rendered.

g) having the vendor provide to the consumer a page, located at the connect address of the vendor, that provides an access link to the information made available by the vendor; / fig 1,2

h) if the consumer exercises the access link, having the vendor provide access to the information until either the maximum duration expires, or the consumer exercises the end session link; / Egendorf fails to teach these time parameters. However, Usui

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discloses the end session (col 2, L 5-9). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of billing for services rendered.

i) if the consumer exercises the end session link, which redirects the consumer to the third party, having the third party notify the vendor that the consumer access is terminated, and having the third party stop billing the consumer; / Egendorf fails to teach these time parameters. However, Usui discloses the termination aspect (col 2, L 5-9, L 37-43). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of billing for services rendered.

j) having the vendor establish an account with the third party and provide to the third party a session connect address that is an address on the computer network of the information made available by the vendor;/ fig 1,2; col 3, L 17-39

k) having the third party provide the vendor with a start session address that is an address on the computer network of the third party to which the vendor is to direct a consumer to start timing access by the consumer to the information made available by the vendor;/ Egendorf fails to teach these time parameters. However, Usui discloses the termination aspect (col 2, L 5-9, L 37-43). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of billing for services rendered.

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l) having the vendor make available over the computer network a pricetag link that will connect a prospective consumer with the third party;/ abstract; fig 1,2

m) if the consumer exercises the pricetag link, having the third party return to the consumer a pricetag page that includes a price-per-unit time for access to the information made available for access by the vendor, a maximum duration of access for which the consumer is authorized, and a link to a start session address, which is an address of the third party;/ abstract; fig 1,2

n) if the consumer exercises the link to the start session address, having the third party return to the consumer an end session link, which the consumer can use to terminate the purchase of access to information from the vendor earlier than waiting for the maximum duration of access to expire, and an authentication code; / Egendorf fails to teach these time parameters. However, Usui discloses the termination aspect (col 2, L 5-9, L 37-43). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of billing for services rendered.

o) also if the consumer exercises the link to the start session address, having the third party provide to the vendor the consumer authentication code and the consumer address, and begin billing the consumer beginning when the consumer exercised the start session link;/abstract, fig 1,2; col 3, L 17-39

p) having the vendor provide to the consumer a page, located provides an access link to the information made available by the vendor;/abstract, fig 1,2; col 3, L 17-39



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q) if the consumer exercises the access link, having the vendor provide access to the information until either the maximum duration expires, or the consumer exercises the end session link; and/ Egendorf fails to teach these time parameters. However, Usui discloses the termination aspect (col 2, L 5-9, L 37-43). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of billing for services rendered.

r) if the consumer exercises the end session link, which redirects the consumer to the third party, having the third party notify the vendor that the consumer access is terminated, and having the third party stop billing the consumer./abstract, fig 1,2; col 3, L 17-39

Claim 3,

The method of claim 2, wherein when the consumer accesses the network address of the vendor, the vendor transmits to the consumer a page with the pricetag link that provides enough information to the consumer for the consumer to decide whether to look further into purchasing information from the vendor. / col 3, L 4-9

Claim 4,

The method of claim 2, wherein the third party redirects the consumer to link to the vendor and in so linking passes to the vendor the consumer authorization code and consumer address as parameters of the link. / Egendorf fails to teach these parameters. However, Usui discloses authorization code and consumer addresses (col 4, L 24-34). It would have been obvious to one of ordinary skill in the art at the time of

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applicant's invention to use this limitation for the advantage to prevent unauthorized entry into the system.

Claim 5 (New),

A method of billing a consumer for access for a limited time to information made available by a vendor, the access provided over a computer network, the method requiring participation by a third party to mediate between consumer and the vendor, the method comprising the steps of:

- a) having the vendor establish an account with the third party and provide to the third party a session connect address that is an address on the computer network of the information made available by the vendor;/ abstract; fig 1, 2
- b) having the third party provide the vendor with a start session address that is an address on the computer network of the third party to which the vendor is to direct a start timing access by the consumer to the information made available by the vendor; and/ Egendorf does not teach timing aspects.

However, Usui discloses consumer access time (abstract; col 1, L 49-58; col 2, L 1-9)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of billing for services rendered in the form of access time.

- c) having the vendor make available over the computer network a pricetag link that will connect a prospective consumer with the third party;/ abstract; fig 2(15)
- d) making available a means by which the third party is able to determine when access by the consumer to the information is terminated; and/ abstract; fig 2(14)

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e) having the third party stop timing access by the consumer to the information made available by the vendor once the third party determines when the access by the consumer to the information is terminated./ Egendorf does not teach timing aspects. However, Usui discloses consumer access time (abstract; col 1, L 49-58; col 2, L 1-9) It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of billing for services rendered in the form of access time.

Claim 6(New),

The method of claim 5, wherein the means by which the third party is able to determine when access by the consumer to the information is terminated is based on a maximum duration of access to the information, and further wherein the third party determines when the access by the consumer to the information is terminated by determining that the maximum duration has expired./ Egendorf does not teach timing aspects.

However, Usui discloses consumer access time (abstract; col 1, L 49-58; col 2, L 1-9)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of billing for services rendered in the form of access time.

Claim 7(New),

The method of claim 5, wherein the means by which the third party is able to determine when access by the consumer to the information is terminated includes an end session link that is a link the consumer can use to terminate the purchase of access to information from the vendor, and further wherein the third party determines when the

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access by the consumer to the information is terminated by determining that the consumer has exercised the end session link./ abstract; fig 1, 2(15)

***Conclusion***

This action is Non-Final. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 8:00 a.m. to 7:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak



2/4/03



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